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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**UNITED STATES OF AMERICA and
MARTHA LEVY, Revenue Officer,**

Petitioners,

v.

ALAN D. MILLER,

Respondent.

No. C-08-0768-TEH

**DECLARATION OF
JOHN BRIERY**

I, John Briery, pursuant to 28 U.S.C. Subsection 1746, declare and state as follows:

1. I am a Revenue Officer of the Internal Revenue Service of the United States Department of Treasury at its offices in Redwood City, California.

2. I served the Petition For Judicial Approval Of Levy On A Principal Residence, Declarations of Martha Ley and Thomas Moore, Order to Show Cause Re: Contempt Re: Judicial Approval Of Levy Upon Principal Residence, and administrative Court documents on Mr. Miller at 175 Essex Way, Pacifica, California, on the morning of February 11, 2008.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 11, 2008, Redwood City, California.

/s/ John Briery
JOHN BRIERY
Revenue Officer

CERTIFICATE OF SERVICE

I, **KATHY TAT** declare:

That I am a citizen of the United States of America and employed in San Francisco County, California; that my business address is Office of United States Attorney, 450 Golden Gate Avenue, Box 36055, San Francisco, California 94102; that I am over the age of eighteen years, and am not a party to the above-entitled action.

I am employed by the United States Attorney for the Northern District of California and discretion to be competent to serve papers. The undersigned further certifies that I caused a copy of the following:

DECLARATION OF JOHN BRIERY

to be served this date upon the party(ies) in this action by placing a true copy thereof in a sealed envelope, and served as follows:

 X **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

 PERSONAL SERVICE (BY MESSENGER/HAND DELIVERED)

 FACSIMILE (FAX) No.: _____

to the parties addressed as follows:

Alan D. Miller
175 Essex Way
Pacifica, California 94044

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on **February 11, 2008** at San Francisco, California.

/s/ Kathy Tat
KATHY TAT
Legal Assistant